

**Town of La Pointe Planning and Zoning  
Town Plan Commission Regular Monthly Meeting Minutes  
May 18<sup>th</sup>, 2016**

**Town Plan Commission (TPC) Members Present:** Charley Brummer, Chair; Greg Thury, Vice Chair; Suellen Soucek; Mike Stark; John Gembitsky. (5)

**Town plan Commission member absent:** none

**Public Present:** Dave Boone, Paul Brummer. (2)

**Town Staff Members present:** Lisa Potswald, Town Administrator; Richard Gillman, Planning and Zoning Administrator.

**I. Call to Order/Roll Call**

Chair Brummer calls the meeting to order @ 4:31 PM. Roll call reflects members present as recorded above.

**II. Public Comment**

None. Chair Brummer welcomes John Gembitsky (new TPC member) and Ric Gillman (new Zoning Administrator).

**III. Approval of previous Meeting Minutes**

**a. Town Plan Commission Special Meeting April 6<sup>th</sup>, 2016**

Motion made by Greg Thury to approve the minutes of Town Plan Commission Special Meeting, April 6<sup>th</sup>, 2016; second by Mike Stark. Four in favor, John Gembitsky abstains. Motion carries.

**b. Town Plan Commission/Town Board Public Hearing for Craftivity, April 6<sup>th</sup>, 2016**

Motion made by Mike Stark to approve the minutes of Town Plan Commission/Town Board Public Hearing for Craftivity, April 6<sup>th</sup>, 2016; Second by Greg Thury. Four in favor, John Gembitsky abstains. Motion carries.

**c. Town Plan Commission Special Monthly Meeting May 11<sup>th</sup>, 2016**

Motion made by Greg Thury to approve the minutes of Town Plan Commission Special Monthly Meeting May 11<sup>th</sup>, 2016; Second by Suellen Soucek. Four in favor, John Gembitsky abstains. Motion carries.

**IV. Zoning Administrator Report**

None

**V. Consideration and/or Action of Permit Applications**

**a. Richter Hartig property located at 1179 Middle Road (Parcel #140-00181-1000)**

**Variance Special Exception Application**

Potswald clarifies that no application for a permit has been made, and this is a potential application by Dave Boone. This is an opportunity for the TPC to assist the potential applicant as to how to proceed.

Potswald presents a drawing and description of the proposed plan, provided by Mr. Boone and that the pins pertaining to the property line have not been located as of yet. Further explain that this is a legal non-conforming lot verified to Mr. Boone by Bill Metsinger, as the lot was established in 1968.

Setback requirements of 50' were clarified and it appears the plan submitted will encroach on setback requirements. Mr. Boone states his best estimate is the proposed plan would be 25 – 30' from the property line, and also that there is an existing out building which presently encroaches at the same distance.

Chair Brummer suggests and questions possible alternatives to meet the required setback, however Mr. Boone believes these alternatives to be cost prohibitive.

Stark brings up the possibility of "Special Exception" as defined in our current ordinance applicable to legal non-conforming lots, as opposed to a "Variance". A general discussion ensued regarding the difference in the definitions and the language of such was reviewed.

A further discussion of "Hardship" and "Burden" in regard to "Variance" were discussed.

Potswald clarifies the application must be made for Mr. Boone to proceed in the process should it be denied and meet the requirements for a "Special Exception", or be appealed to the Board of Appeals.

Mr. Boone agrees that his final application will require the location of property pins, for accurate measurements and depiction of proposed building.

A letter will be sent to Mr. Boone outlining the procedure he may take in the event of the denial of the building permit.

Commissioner Thury moves that due to the likelihood of denial of Mr. Boones application the TPC recommend to the Town Board a return of permit fees. Second by, Soucek. 5 Ayes, motion carries.

**VI. New Business**

**a. Welcome by Town Plan Commission to John Gembitsky, New Member**

The TPC welcome John to the Town Plan Commission

**b. Ordinance/Bylaws Revision – Review list and Set Public Hearing Date**

Review of memo from Potswald dated May 18<sup>th</sup> 2016 regarding Possible Changes to La Pointe Zoning Ordinance. The TPC reaches consensus on Section 2.0 Definitions, and will consider options defining: (5) Agricultural Crops and Products; (29) Greenhouse, residential and retail; (34) Hoophouse, residential and retail; and, Restaurant. The TPC has asked for Potswald and Gillman to find some samples of definitions for consideration in application to Ordinance updates.

There was consensus on proposed change to Section 3.0 Zoning Districts.

Section 7.2 H. Commissioner Thury recommends addition language to the proposed change of “or deny” to “approval or denial of”. Agreed by consensus.

Section 7.2 J. Potswald asks the TPC if they wish to leave this ordinance as is, her research has revealed no other township has such an ordinance. There was discussion of the language “After 45 days” and the purpose of such. Chair Brummer presents this is a method for appeal and/or grievance to parties affected by Condition Use Permits. Options were discussed, though no consensus was reached on retaining or changing existing language.

Section 10.1 Composition. A consensus was reached on language changes as presented.

Section 13.3 Membership. Potswald reports that the Town Plan Commission can reduce its number to 5 members as we are a township of less than 2,500. A consensus was reached for proposed change. Additionally Section 13.4 defines a quorum as 3. A consensus was reached on the proposed change.

Section 16.3 Zoning District Use Matrix – Address Definitions. Definitions are needed for “Agricultural Crop Farming” and “Agricultural Crops and Products” for addition to the Zoning Matrix. (See definitions above regarding Section 2.0 Definitions. Again the clarification of Residential and Commercial need consideration.

Commissioner Stark advocates placing a Driveway Ordinance on the agenda for a proposed Public Hearing. It was the general consensus of the other Commissioners that this proposal is too large of an undertaking at this time and could not be ready for Public Hearing. Commissioner Stark also advocates for placing the proposed changes to the Administration supervisory roles, primarily the Zoning Administrator reports to the Town Administrator. It was the consensus of the TPC to add this item.

**Public Hearing Date:** After review of scheduled meetings and time requirements for posting the Commission reached consensus on holding a Public Hearing on June 22<sup>nd</sup> @ 5:00pm.

**c. Transition of Zoning Administrator.**

A general presentation and proposal of the assumption of duties by the new Zoning Administrator was outlined by Potswald.

**VII. Old Business**

**a. Private Roads and Driveways**

Nothing new

**b. Camping Units/Campsites – Updates**

There was a general inquiry by Potswald and Gillman to the Commission for guidance in addressing this agenda item. Commissioner Soucek suggests posting and an article in the Gazette referring to the existing ordinance. Chair Brummer suggests including the ordinance. Commissioner Gembisky suggest also posting notice on the Towns Web Site.

Gillman proposes starting an inventory, and Potswald suggests a letter to owners asking for compliance. It was further clarified that Zoning can issue citations for noncompliance.

**c. Cell Tower**

Nothing new

**VIII. Future Agenda Items**

Boone/Richter property  
Prepare for Public Hearing  
Definitions  
Driveways  
Camping  
Cell Tower

**IX. Schedule Next Meeting**

It was agreed to have the next meeting on June 1<sup>st</sup>, 2016 at 4:30pm at the Town Hall.

**X. Adjournment.**

Motion by Commissioner Thury and seconded by Commissioner Soucek to adjourn.  
5 Ayes. Motion carries.

**Town Plan Commission Minutes respectfully submitted by Ric Gillman, Planning and Zoning Administrator, on Wednesday May 25, 2016.**